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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,283	04/20/2000	Joseph M. Cannon	99-89-46	5478

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EXAMINER

NGUYEN, DAVID Q

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/553,283

Applicant(s)

CANNON ET AL.

Examiner

David Q Nguyen

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1,3,7,9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Cromer et al. (US Patent Number 6286102).

Regarding claim 1, Cromer disclose an access monitoring base unit comprising a wireless piconet front end; a database to contain at least one entry relating to a presence of a monitored person within a monitored area (see abstract; col. 13, lines 55-67; col. 14, lines 1-15; fig. 10 and 11).

Regarding claim 3, Cromer also disclose at least one entry comprising unique person identifying information (see col. 13, lines 61-64)

Art Unit: 2682

Regarding claim 7, Cromer disclose a personal wireless piconet identifying device comprising a wireless piconet front end; and a unique wearer ID code relating to an identify of a person associated with said personal wireless piconet identifying device (see abstract; col. 13, lines 55-67; col. 14, lines 1-15; fig. 10 and 11).

Regarding claim 9, Cromer disclose an access monitoring system comprising:

a base unit, comprising: a wireless piconet front end, and a database to contain at least one entry relating to a presence of a monitored person within a monitored area (see explanation in claim 1); and

at least one personal wireless piconet identifying device, comprising: a wireless piconet front end, and a unique wearer ID code relating to an identify of a person associated with said personal wireless piconet identifying device (see explanation in claim 7)

Regarding claim 10, Cromer also disclose the access monitoring system comprising a wireless piconet entrance/exit monitor to provide communication between said base unit and at least one personal wireless piconet identifying device (see abstract; col. 13, lines 55-67; col. 14, lines 1-15; fig. 10 and 11).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2682

2. Claims 2, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromer et al. (US Patent Number 6286102).

Regarding claims 2 and 8, Cromer disclose an access monitoring base unit comprising all of the limitations as claimed. Cromer are silent to disclose that the wireless piconet front end utilizes a BLUETOOTH protocol. However, it would have been obvious to one of ordinary skill in the art that the wireless piconet front end utilizes a BLUETOOTH protocol in order to be able access up to 10 meters

3. Claims 4, 11-14 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromer (US Patent Number 6286102) in view of Wynn et al. (US Patent Number 5717867).

Regarding claim 4, Cromer disclose an access monitoring base unit comprising all of the limitation as claimed. Cromer is silent to disclose that at least one entry further comprising time stamp information relating to at least one of an entrance and an exit of said monitored person in said monitored area. However, Wynn disclose that at least one entry further comprising time stamp information relating to at least one of an entrance and an exit of said monitored person in said monitored area (see abstract; fig. 1; and col. 6, lines 15-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of Wynn to Cromer so that the system can be used for a time entry and accounting systems permitting employees to clock in and clock out from work.

Regarding claims 11 and 17, Cromer disclose a method and an apparatus of monitoring a presence of at least one person within a monitored area comprising establishing a wireless network between a personal wireless piconet identifying device associated with a particular monitored person and access monitoring base unit (see abstract; col. 13, lines 55-67; col. 14,

Art Unit: 2682

lines 1-15; fig. 10 and 11). Cromer is silent to disclose noting a presence or absence of the particular monitored person within said monitored area based on the established wireless network. However, Wynn disclose noting a presence or absence of the particular monitored person within the monitored area based on the established wireless network (see abstract; fig. 1; and col. 6, lines 15-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of Wynn to Cromer so that the system can be used for a time entry and accounting systems permitting employees to clock in and clock out from work.

Regarding claims 12 and 18, Cromer disclose a method and apparatus of monitoring a presence of at least one person within a monitored area modified by Wynn. Cromer also disclose the wireless network includes a wireless piconet entrance/exit monitor between said personal wireless piconet identifying device and said access monitoring base unit (see explanation in claim 10)

Regarding claims 13 and 19, Cromer disclose a method and apparatus of monitoring a presence of at least one person within a monitored area modified by Wynn. Wynn also disclose noting time stamp information relating to an entrance or an exit of said monitored person in said monitor area (see abstract; fig. 1; and col. 6, lines 15-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of Wynn to Cromer so that the system can be used for a time entry and accounting systems permitting employees to clock in and clock out from work.

Regarding claims 14 and 20, Cromer disclose a method and an apparatus of monitoring a presence of at least one person within a monitored area modified by Wynn. Cromer and Wynn

Art Unit: 2682

are silent to disclose that the said established wireless network utilizes a BLUETOOTH protocol. However, it would have been obvious to one of ordinary skill in the art that the said established wireless network utilizes a BLUETOOTH protocol in order to be able access up to 10 meters

4. Claims 5,6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromer et al. (US Patent Number 6286102) in view of Nerlikar (US Patent Number 5629981).

Regarding claim 5, Cromer disclose an access monitoring base unit comprising all of the limitation as claimed. Cromer is silent to disclose an automatic dialing unit adapted to automatically call a particular telephone number when said monitored person either enters or exits said monitored area. However, Nerlikar discloses an automatic dialing unit adapted to automatically call a particular telephone number when said monitored person either enters or exits said monitored area (see col. 17, lines 59-67; col. 18, lines 1-52; fig. 1 and 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of Nerlikar to Cromer so that so that user can download any or all contents of the monitoring database.

Regarding claim 6, Cromer disclose an access monitoring base unit comprising all of the limitation as claimed. Cromer is silent to disclose a remote access module adapted to allow remote access to said database. However, Nerlikar discloses a remote access module adapted to allow remote access to said database (see col. 17, lines 59-67; col. 18, lines 1-52; fig. 1 and 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of Nerlikar to Cromer so that so that user can download any or all contents of the monitoring database.

Art Unit: 2682

5. Claims 15-16 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromer (US Patent Number 6286102) in view of Wynn et al. (US Patent Number 5717867) in view of Weller (US Patent Number 5448221).

Regarding claims 15-16 and 21-22, Cromer disclose a method and apparatus of monitoring a presence of at least one person within a monitored area modified by Wynn. They are silent to disclose that said step of establishing wireless network establishes said wireless piconet on a temporary basic; and said step of establishing is periodically performed. However, Weller discloses said step of establishing wireless network establishes said wireless piconet on a temporary basic; and said step of establishing is periodically performed (see col. 3, lines 42-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of Weller to Cromer and Wynn so that in order to conserve battery power in the personal wireless piconet identifier unit.


### *Conclusion*

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Nguyen Q. David whose telephone number is (703) 605-4254. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703)308-6739. The fax numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for all communications.

DN

David Q. Nguyen

  
8/21/02

NGUYEN T. VO  
PRIMARY EXAMINER